

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

Phillips, et al.

Plaintiffs,

v.

The City of New York, et al.,

Defendants.

21-cv-8149 (ALC) (SLC)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Plaintiffs' Memorandum of Law dated April 4, 2023 in support of this Motion; the Declaration and Exhibits submitted herewith; and all of the prior pleadings and proceedings had herein, Plaintiffs will move this Court, before the Honorable Andrew L. Carter, Jr., United States District Judge, at the United States Courthouse for the Southern District of New York, located at 40 Foley Square, New York, New York, 10007, for an Order:

1. Striking the portions of ECF No. 63-1 constituting Zuckerman Exhibits B, C, D, E, G, H, J, K, L, M, N, P, and R;
2. Striking or denying the balance of Defendants' motion to dismiss (ECF Nos. 62-64) as being fatally interspersed with references to the stricken material, without prejudice to renewing the motion on proper papers;
3. Directing that any further motion to dismiss must take the allegations in the SAC as true, and may not use exhibits for the truth of their contents; and
4. Granting any other relief the Court finds appropriate.

PLEASE TAKE FURTHER NOTICE, that as the Court has directed (ECF No. 72):

1. With this Notice, today, April 4, 2023, Plaintiffs are filing their motion to strike;
2. By April 18, 2023, Defendants shall file their Opposition, if any; and
3. By April 25, 2023, Plaintiffs shall file their reply, if any.

PLEASE TAKE FURTHER NOTICE, that, per the Court's Individual Practice 2(F), Plaintiffs request oral argument.

DATED: April 4, 2023
Queens, NY

/s/

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